

1 THE COURT: Yes. There were conversations
2 you might find in that hospital room that maybe you
3 would find that there were statements by each of the
4 two defendants or statements to each of the
5 defendants, but in particular, the statements of the
6 two defendants. If they are admissible, they are
7 not admissible except as they may be admissible as
8 against each of them separately.

9 MR. BEAUCHESNE: Another witness, Your
10 Honor?

11 THE COURT: Yes, please.

12 MR. BEAUCHESNE: May we have Ricky Evans,
13 please.

14
15 RICKY EVANS, Previously Re-sworn

16
17 DIRECT EXAMINATION, Resumed

18 (by Mr. Beauchesne)

19 Q Sir, I think before we left with you earlier that we
20 had gotten your name, which is Ricky Evans?

21 A Yes.

22 Q And I'm not sure how far --

23 MR. BEAUCHESNE: Excuse me, Your Honor.
24 I'm not sure how far we got with the witness.

1 THE COURT: Let's start from square one.
2

3 MR. BEAUCHESNE: Start from square one.
4

5 Q And do you recall the night that Tiffany Moore was
6 shot?
7

8 A Yes.
9

10 Q And do you recall that night in the evening hours
11 sometime while it was still light out, were you in
12 the presence of Shawn Drumgold?
13

14 A Yes.
15

16 MR. RAPPAPORT: Objection. Can we
17 approach the sidebar one moment, please?
18

19 SIDE BAR CONFERENCE
20

21 MR. RAPPAPORT: Judge, my objection is to
22 the leading nature of the question.
23

24 MR. BEAUCHESNE: We went through part of
it before and I'm just trying to set a scene.
25

26 MR. RAPPAPORT: I understand and I think
27 that you can ask the witness what time of day,
28 whether it be by hour.
29

30 MR. BEAUCHESNE: Fine, I'll do it.
31

32 MR. RAPPAPORT: All I'm saying is, Judge,
33 this is an important witness and I'd prefer he not
34

1 be led on direct.

2 MR. BEAUCHESNE: I'll do it.

3 THE COURT: I don't think there's any
4 intention to lead here. I think what he's doing is
5 trying to bring us back up to where we were before.

6 MR. RAPPAPORT: Judge, I understand we're
7 basically starting, in your own words, we're
8 starting from scratch and I'm certainly not implying
9 that brother Beauchesne is intentionally trying to
10 create some advantage here. But it ought to be done
11 by the book.

12 THE COURT: Let's go.

13
14 END OF SIDEBAR CONFERENCE

15
16 (by Mr. Beauchesne)

17 Q Sometime that night, the night that Tiffany Moore
18 was shot, did you happen to be in the company of
19 Shawn Drumgold?

20 A Yes.

21 Q Was there somebody else there?

22 A Yes.

23 Q And who was that?

24 A Willie Evans.

1 Q And is Willie still with us?

2 A No.

3 Q Willie is dead?

4 A Yes.

5 Q And how did Willie happen to die?

6 A By a gunshot to the head.

7 Q Were you there when he was shot?

8 A Yes.

9 Q Were you shot in the same incident?

10 A Yes.

11 Q And on that night when you were in his company and
12 the company of Shawn Drumgold -- may the record
13 reflect, would you tell us who Shawn Drumgold is?

14 A He's right there, the light-skinned dude with a bow-
15 tie.

16 MR. BEAUCHESNE: May the record reflect he
17 has identified the defendant Drumgold to the jury,
18 Your Honor?

19 THE COURT: It may.

20 Q When you were with Drumgold, could you help us with
21 the time?

22 A I can't recall the time. It was a little before
23 dark. Right before dark.

24 Q I'm sorry. Right before dark?

1 A Yes.

2 Q And at that time, while you were with him, did
3 another person come upon the scene?

4 A Yes.

5 Q And who came?

6 A Lug.

7 Q And do you see here today in the courtroom the man
8 you know as Lug?

9 A Yes.

10 Q Would you describe him to the jury, sir?

11 A The dark-skinned dude there with the gray and white
12 sweater with stripes in it.

13 MR. BEAUCHESNE: May the record reflect
14 he's identified the defendant Terrance Taylor to the
15 jury, Your Honor?

16 THE COURT: It may.

17 Q At the time that the defendant Taylor came to you
18 and Willie and the defendant Drumgold did he say
19 anything?

20 A Yes.

21 Q Tell us as best you presently remember what did Lug
22 Taylor say to Shawn Drumgold?

23 MR. GEORGE: I pray Your Honor's judgment.

24 THE COURT: Overruled.

1 A He said --

2 Q And speak into the mike so we can hear you.

3 A He said, "I know where we can find Mervin and
4 Chaney."

5 Q Say that again.

6 A He said, "I know where we can find Mervin and
7 Chaney."

8 Q And did Shawn Drumgold say anything at that time?

9 A No.

10 Q Did either man do anything after Lug Taylor said he
11 knew where they could find Shawn Drumgold -- find
12 Chris Chaney and Mervin?

13 A Yes.

14 Q What did he do?

15 A When he turned around he put his hand by his pants.

16 Q And tell us what you saw by his hand, if anything.

17 A A gun.

18 Q Did you see a gun in anybody else's possession?

19 A Yes. When Shawn turned around, I think he had on
20 his sweater or something.

21 Q He what?

22 A He had on like a sweater.

23 Q He had a sweater?

24 A Yes. And he had a pistol up under it.

1 Q And he had a what?

2 A Pistol up under it.

3 Q A pistol under the sweater?

4 A Yes.

5 Q Both men had guns?

6 A Yes.

7 Q What did they do next, if anything?

8 A They turned around and they walked back down Elm
9 Hill.

10 Q Did you see them again sometime that night?

11 A Yes.

12 Q How much later was that, if you can help us?

13 A Forty-five minutes to an hour, something like that.

14 Q And when you saw them, where did you see them?

15 A They was coming up Elm Hill.

16 Q Were they on foot or in a car?

17 A In a car.

18 Q And did they stop at that time?

19 A No.

20 Q At some time did they come back into your company?

21 A Yes. They came back a little later.

22 Q How much later was that?

23 A I can't recall how much time before they came back.

24 Q And was Willie with you?

1 A Yes, he was there.

2 Q When they came back, what, if anything, did you do?

3 A We bought some beer.

4 Q Who bought the beer?

5 A Willie.

6 Q And did you go anywhere?

7 A No. One eighteen.

8 Q One eighteen what?

9 A Elm Hill Ave.

10 Q And who went into 118 Elm Hill Ave.?

11 A Me, Shawn, Lug and Willie.

12 Q Did you go into an apartment or did you stay in the
13 stairwell area?

14 A In the stairwell area.

15 Q Did you spend some time there?

16 A A little time.

17 Q At some time was there some conversation between you
18 and either of these two defendants concerning the
19 guns that they had?

20 A Yes. First I asked, I said, "Where's the guns?"

21 Q Who did you ask where's the guns?

22 A Lug.

23 Q Lug Taylor?

24 A Yes.

1 Q And what did he reply?

2 A At first he didn't say nothing about the guns. So
3 he had drunk another beer and then I asked him about
4 it and he said they was hot or something.

5 Q Say that again?

6 A He said something like they was hot. The guns is
7 hot or something.

8 Q The guns were hot?

9 A Yes.

10 Q And then what?

11 A He said they were up at the Franklin Hill projects
12 hidden, stashed.

13 Q What did he say about Franklin Hill projects?

14 A Franklin Hill projects stashed.

15 Q What did he say -- I'm having trouble here. What
16 did he say about the guns?

17 A That they were stashed in Franklin Hill projects.

18 Q They were stashed at Franklin Hill Park?

19 A Yes.

20 Q And that they were hot?

21 A Yes.

22 Q Where was Drumgold when that was said?

23 A He was standing there.

24 Q Did he say anything about the guns?

1 A Not that I recall.

2 Q Was there anything about the behavior of either of
3 these two men that attracted your attention?

4 A Nervous.

5 Q Who was nervous?

6 A Shawn.

7 Q And when you say he was nervous, can you tell us
8 what was he doing that was nervous?

9 A Kept walking up to the front stairwell, looking --
10 he wouldn't come out of the hallway. Like, we'd go
11 stand out on the steps but he wouldn't come. They
12 wouldn't come.

13 Q Who'd go out on the steps?

14 A Like me and Willie, we'd walk out there. We walked
15 out on the front stairwell, but Shawn and Lug, they
16 would not come out there. They'd stand in the
17 hallway and keep looking out the doorway.

18 Q And how long did that go on?

19 A For a few minutes.

20 Q And at some time did you finally part with them?
21 Did you leave them?

22 A Yes.

23 Q Who left first?

24 A They left first. They left together first. Me and